

Application No. 10/574,617
Amendment dated October 14, 2008
Reply to Office Action of July 16, 2008

Docket No.: 0033-1073PUS1

AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings includes changes to .

Figs. 11, 12A and 12B have been labeled as "PRIOR ART".

Attachment: Replacement sheet
 Annotated sheet showing changes

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Applicants thank the Examiner for total consideration given the present application. Claims 1-17 were pending prior to the Office Action. No claims have been added through this reply. Therefore, claims 1-17 are pending. Claims 1-3 and 5-11 have been withdrawn by the Examiner. Claims 1-5, 7, 9, and 11-12 are independent. Claims 4 and 12-17 are pending before the Examiner. Applicants respectfully request reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seeks a timely allowance of all pending claims.

OFFICIAL ACTION

Preliminary Comments

Drawings Objection

The Drawings has been objected to for not having the appropriate legend. Figures 11, 12A, and 12B have been amended to provide a legend of "Prior Art" as required by the Examiner. Therefore the objection to the Drawings should be withdrawn.

Kim et al. is not available as prior art

Claims 12 and 14-17 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Kim et al. (U.S. Patent Publication 2005/0185128) and claim 13 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kim in view of Kijima et al. (U.S. Patent 6,259,500). Applicants respectfully traverses these rejection.

A rejection based on 35 U.S.C. § 102(e) can be overcome by perfecting a claim to priority by filing a certified priority document in the application with an English language translation. See MPEP 706.02(b).

Applicants have now perfected the claim to priority. Applicants have previously provided certified priority documents for the application. Thus, Applicants are now providing

the Examiner with English language translations. Accordingly, Applicants hereby perfected the claims to priority.

Therefore, claims 12-17 are submitted to be allowable because no prior art is now used in a rejection against claims 12-17.

Reconsideration and allowance of claims 12-17 are respectfully requested for at least these reasons.

Claim Rejection - 35 U.S.C. § 102(e)

Claim 4 stands rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Cho et al. (U.S. Patent Publication 2004/0114087). Applicants respectfully traverse this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02*. Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Cho fails to teach or suggest each and every claimed element.

Argument A) Features of claim 4 not taught by Cho:

Independent claim 4 has been amended to include additional limitations. More specifically, claim 4 as amended recites, *inter alia*, "said column spacers include a plurality of first columnar spacers and a plurality of second columnar spacers, the second column spacers having a height and a width, where the height of the second column spacers are 45 percent of the width of the second column spacers, the first column spacers having a height and a width, where the height of the first column spacers are 43 percent of the width of the first column spacers, each of said plurality of second column spacers are arranged at a rate of one spacer per ten picture elements, and each of said plurality of first column spacers are arranged at a rate of one spacer per fifteen picture elements."

Cho does not show or suggest said column spacers include a plurality of first columnar spacers and a plurality of second columnar spacers, the second column spacers having a height and a width, where the height of the second column spacers are 45 percent of the width of the

second column spacers, the first column spacers having a height and a width, where the height of the first column spacers are 43 percent of the width of the first column spacers, each of said plurality of second column spacers are arranged at a rate of one spacer per ten picture elements, and each of said plurality of first column spacers are arranged at a rate of one spacer per fifteen picture elements as now claimed, and claim 4 is submitted to be allowable over Cho for at least this reason.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 4 under 35 U.S.C. § 102(e).

Reconsideration and allowance of claim 4 is respectfully requested for at least these reasons.

Conclusion

Therefore, for at least these reasons, all claims are believed to be distinguishable over prior art, individually or in any combination. It has been shown above that the cited reference(s), individually or in combination, may not be relied upon to show at least these features. Therefore, claims 4 and 12-17 are distinguishable over the cited references.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh Reg. No. 62,278 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Application No. 10/574,617
Amendment dated October 14, 2008
Reply to Office Action of July 16, 2008

Docket No.: 0033-1073PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: October 15, 2008

Respectfully submitted,

By 
Charles Gorenstein
Registration No.: 29,271
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachments

ANNOTATED SHEET

FIG.10

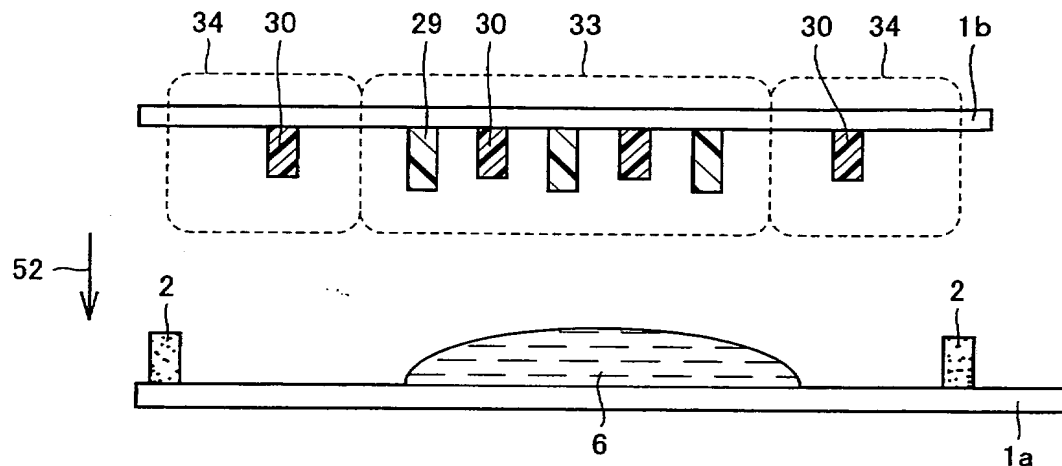


FIG.11

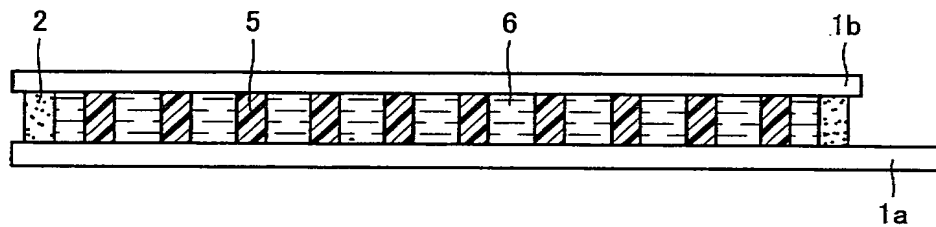


FIG.12A

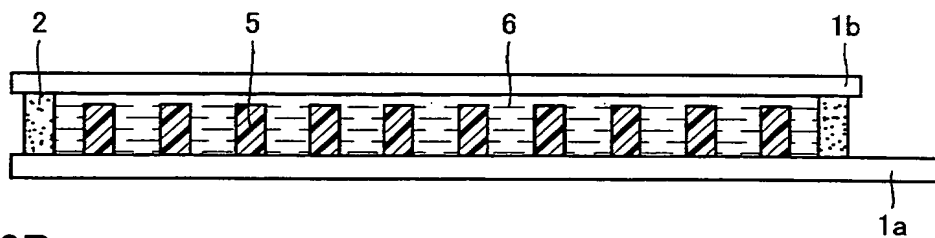


FIG.12B

